



House of Representatives

General Assembly

File No. 186

January Session, 2015

House Bill No. 6776

House of Representatives, March 24, 2015

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING JUST CAUSE DISMISSALS FOR MUNICIPAL FIRE CHIEFS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-302 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 No active head of any fire department of any town, city or borough
4 shall be dismissed unless [he] there is a showing of just cause by the
5 authority having the power of dismissal and such person has been
6 given notice in writing of the specific grounds for such dismissal and
7 an opportunity to be heard in his or her own defense, personally or by
8 counsel, at a public hearing before [the] such authority. [having the
9 power of dismissal.] Such public hearing, unless otherwise specified by
10 charter, shall be held not less than five nor more than ten days after
11 such notice. Any person so dismissed may appeal within thirty days
12 following such dismissal to the superior court for the judicial district in
13 which such town, city or borough is located. Service shall be made as
14 in civil process. Said court shall review the record of such hearing, and,

15 if it appears upon the hearing upon the appeal that testimony is
16 necessary for an equitable disposition of the appeal, it may take
17 evidence or appoint a referee or a committee to take such evidence as it
18 directs and report the same to the court with [his or its] the referee's or
19 committee's findings of fact, which report shall constitute a part of the
20 proceedings upon which the determination of the court shall be made.
21 The court, upon such appeal, and after a hearing thereon, may affirm
22 the action of such authority, or may set the same aside if it finds that
23 such authority acted illegally or arbitrarily, or in the abuse of its
24 discretion, or with bad faith or malice or without just cause.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2015</i>	7-302
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PS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 16 \$	FY 17 \$
All Municipalities	Potential Cost	Potential	Potential

Explanation

The bill prohibits a municipality from dismissing a fire chief without just cause.

To the extent that the bill prolongs the process by which a municipality dismisses its fire chief, or results in a greater number of appeals of dismissal actions, there are potential administrative and legal costs.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 6776*****AN ACT CONCERNING JUST CAUSE DISMISSALS FOR MUNICIPAL FIRE CHIEFS.*****SUMMARY:**

This bill prohibits dismissal of local fire chiefs, except for just cause. It also allows a court, on appeal, to set aside a dismissal it finds was without just cause. Current law does not prescribe grounds for dismissing fire chiefs, but it allows the court to set aside a dismissal if it finds that the dismissal authority acted illegally, arbitrarily, with bad faith or malice, or abused its discretion. The bill's provisions already apply to local police chiefs under existing law.

BACKGROUND***Just Cause***

State statutes do not define "just cause," but the state Supreme Court has said that just cause is "a reasonable ground for removal as distinguished from a frivolous or incompetent ground." It says that "[j]ust cause" substantially limits employer discretion to terminate, by requiring the employer, in all instances, to proffer a proper reason for dismissal, by forbidding the employer to act arbitrarily or capriciously" (*Cassella v. Civil Service Commission*, 202 Conn. 28, 37; *Sheets v. Teddy's Frosted Foods, Inc.* 179 Conn. 471, 475).

EFFECTIVE DATE: October 1, 2015

Fire Chief Dismissal Procedure

The law requires that a local fire chief be given notice and opportunity for a public hearing. He or she may appeal the dismissal to the Superior Court, which must review the public hearing record and may hear additional testimony (CGS § 7-302).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 16 Nay 9 (03/10/2015)